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6 Attorney for Trustee
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8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 (Sacramento Division)

11 In re:) Case No: 12-41636
12 Diana R. Gorden,) Chapter 7 Case
13 250 S. Coolidge Avenue) DC No. CWC-2
14 Stockton, CA 95215)
15 SSN xxx-xx-9163) Date: April 8, 2014
) Time: 9:32 a.m.
16 Debtor.) Place: Courtroom 32

17 **MOTION FOR AUTHORIZATION**

18 **TO SELL PERSONAL PROPERTY OF THE ESTATE**

19 To: The Honorable Thomas C. Holman, U.S. Bankruptcy Judge:

20 Irma C. Edmonds, the duly qualified and acting trustee in
21 this case, pursuant to 11 U.S.C. § 363(b) and Federal Rule of
22 Bankruptcy Procedure 6004, respectfully represents:

23 1. This Court has jurisdiction of this matter under 28
24 U.S.C. §§ 1334 and 157(a).

25 2. On December 19, 2012, the Debtor filed a petition under
26 Chapter 7 of the Bankruptcy Codes, in the above-entitled Court.
27 Irma C. Edmonds has been appointed as Trustee in the Chapter 7
28 case.

1 3. Among the assets of the Chapter 7 bankruptcy estate is
2 the Debtor's 1/3 beneficial interest in the Mary Lee Gorden
3 Living Trust ("Trust") as it relates to the Trust's interest in
4 real property located in Pershing County, Nevada, APN 008-520-03.
5 The subject real property owned by the Trust is approximately 20
6 acres of undeveloped land zoned AMR (Agriculture-Mining-
7 Recreation). AMR zoning is limited to 1 dwelling per 160 acres
8 and applies to public open space lands, environmentally sensitive
9 areas and areas with limited access to infrastructure, i.e
10 transportation, water, schools, and emergency services.
11 Generally, land zoned AMR consists of open areas with limited
12 highway or major road access, limited water availability, no fire
13 protection services, and limited employment opportunities.

14 4. The Pershing County Assessors Office lists the subject
15 real property owned by the Trust as having a taxable valuation of
16 \$5,186.00.

17 5. The Trustee is informed and believes that the subject
18 real property owned by the Trust is unencumbered.

19 6. The Trustee has received an offer from Patricia L. Mora,
20 29229 Glencoe Lane, Menifee, CA 92584 to purchase the Debtor's
21 1/3 beneficial interest in the Trust as it relates to the Trust's
22 interest in real property located in Pershing County, Nevada, APN
23 008-520-03 for the sum of \$1,728.00. Patricia L. Mora is the
24 current trustee of the Mary Lee Gorden Living Trust and also owns
25 a separate 1/3 beneficial interest in the Trust. Patricia L.
26 Mora is purchasing the Debtor's 1/3 beneficial interest in the
27 Trust as it relates to the Trust's interest in real property
28 located in Pershing County, Nevada, APN 008-520-03 on an "As Is,

1 Where Is" basis. Said sale is without representation or
2 warranties of any kind, express or implied, including, without
3 limitation, representations of merchantability and/or fitness for
4 any particular purpose.

5 7. Patricia L. Mora has tendered to the Trustee the sum of
6 \$1,728.00 as an earnest money deposit with such sum to be held in
7 trust pending court approval of the sale.

8 8. The sale is subject to Bankruptcy Court approval and
9 subject to such overbids as may be received at the time of the
10 hearing and subject to such overbid requirements as the Court may
11 impose. All deposits of unsuccessful bidders are fully
12 refundable.

13 9. In order to qualify to make an overbid at the hearing of
14 this motion each prospective bidder must provide the Trustee with
15 the following:

16 a. An earnest money deposit of \$1,728.00;

17 b. The bidder's name, social security number or tax
18 identification number and mailing address; and

19 c. The bidder must be available to appear personally or by
20 telephonic appearance at the hearing on this motion.

21 10. Said sale represents the Trustee's best efforts to sell
22 the Debtor's 1/3 beneficial interest in the Trust as it relates
23 to the Trust's interest in real property located in Pershing
24 County, Nevada, APN 008-520-03 for the highest possible price and
25 the Trustee believes that the proposed sale is in the best
26 interests of the estate.

27 WHEREFORE, the Trustee, Irma C. Edmonds, prays for an Order
28 of this Court:

1 1. authorizing the Trustee to enter into the proposed sale
2 of the Debtor's 1/3 beneficial interest in the Trust as it
3 relates to the Trust's interest in real property located in
4 Pershing County, Nevada, APN 008-520-03 for the sum of \$1,728.00
5 on an "As Is, Where Is" basis upon the above-described terms and
6 conditions;

7 2. authorizing such overbids as may be submitted at the
8 time of the hearing on this Motion, subject to such terms and
9 conditions as may be required by the Trustee and/or the Court;

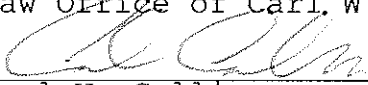
10 3. authorizing the execution and delivery by the Trustee of
11 any and all documents which may be necessary or convenient to
12 conclude the transaction; and

13 4. granting such other and further relief as the court
14 deems proper.

15 Dated: 2-24-14

Respectfully Submitted,

16 Law Office of Carl W. Collins

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18 Carl W. Collins
Attorney for Trustee